

From: Brian P. Kasper
To: Microsoft ATR
Date: 12/12/01 7:45pm
Subject: Settlement is a Travesty

To Whom It May Concern:

I am alarmed by the Microsoft settlement currently proposed by the Department of Justice and Microsoft.

Microsoft has been found guilty of monopolistic tactics. It is a prime tenet of open-market systems that monopoly power cannot be tolerated and must be eradicated.

Microsoft has suggested that they provide their software to schools as a remedy. This is a bad idea in two senses.

First, Microsoft is permitted to specify the cost of their own software when the amount of the remedy is calculated. At this point, the unit cost of a copy of Windows XP to Microsoft is the cost of the creation of the media and packaging, but they can claim the full retail cost per copy, greatly decreasing the impact of the remedy.

Second, by providing schools with Microsoft software, the Department of Justice will be acting, in effect, as a Microsoft distributor and a perpetrator of the Microsoft monopoly. Since the Microsoft software will be the first software used by many of these children, they will grow up with the mindset that Microsoft software is the easiest to use and "best", simply because it's the software with which they are most familiar.

The remedy is also replete with loopholes and muddled language which would permit Microsoft to continue its unfair domination of the computer software marketplace, especially in regards to nonprofit or "open source" companies.

I plead with you not to implement the currently-accepted remedy. In my thinking, these are the critical changes that must be enforced:

1) Microsoft must adhere to accepted standards and be prevented from creating proprietary closed extensions to said standards

2) Microsoft must not give their application developers unfair advantages because they control the operating system. This could be implemented, for example, by separating the parts of Microsoft that create operating-system and application software and forcing the application software portion to compete in the open market

3) Microsoft must be punished so that the punishment has an effect. A fine levied upon a multibillion-dollar company must be commensurably larger than that appropriate for smaller companies.

4) Any settlement must not be a vehicle for increasing Microsoft mindshare

I believe, for example, that the modified settlement proposed by Red Hat, Inc. is a much more appropriate remedy in that it addresses my two specific concerns with the current remedy.

Thank you for your time and consideration in reading this letter.

-Brian Kasper